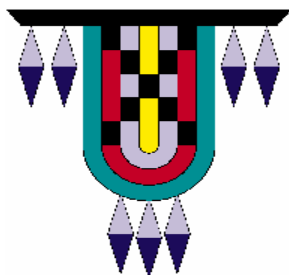


TREATMENT IN THE SAME MANNER AS A STATE (TAS) FOR THE PUBLIC WATER SYSTEM SUPERVISION (PWSS) PROGRAM

FREQUENTLY ASKED QUESTIONS



What is the Public Water Systems Supervision (PWSS) Program?

The Safe Drinking Water Act (SDWA) is designed to protect public health through maintaining and improving the quality of the nation's drinking waters. The 1974 law was amended in 1986 to address federally-recognized Indian tribes (tribes or tribal), and further amended in 1996. The SDWA authorizes many actions to protect drinking water and its sources. Through the Public Water System Supervision (PWSS) program, EPA implements and enforces drinking water standards to protect public health.

Which water systems are regulated under the SDWA?

The SDWA regulates water systems that serve 25 or more persons or have at least 15 connections. Regulated systems can be either privately or publicly owned. The SDWA does not regulate private wells or systems that serve fewer than 25 individuals.

What is TAS?

The SDWA authorizes EPA to treat eligible Indian tribes in the same manner as a state (TAS) for the purpose of assuming primary enforcement responsibility for the PWSS program. A tribe must obtain TAS eligibility approval in order to assume such a role. TAS is sought in conjunction with primacy or a program development grant and is not a separate process.

What is Primacy?

Tribes may be approved for primary enforcement responsibility (or "primacy") to implement the national standards for the PWSS program at public water systems under their jurisdiction. For a tribe to obtain primacy, EPA must approve the tribe for TAS and determine that the tribe meets the requirements for primacy under Section 1413(a) of the SDWA, 42 U.S.C. § 300g-2(a), and 40 C.F.R. Part 142, Subpart B. TAS is sought in conjunction with primacy and is not a separate process. The *Tribal Primacy: An Overview* brochure (EPA 816-K-07-002) provides more details about primacy requirements for the PWSS program. EPA regions retain primary enforcement authority

for the PWSS program in the absence of an EPA-approved PWSS program in Indian country.

Can my tribe receive funding from EPA to develop a primacy program?

Yes. The SDWA authorizes financial assistance to states and to tribes with TAS approval for the PWSS program to develop primacy programs. As part of the process for obtaining a PWSS grant to develop a primacy program, a tribe must obtain approval for TAS for purposes of receiving a grant. Primacy development grants are awarded for up to three years and are renewable (See 40 C.F.R. §35.678).

Is my tribe eligible for TAS for the PWSS Program?

There are four requirements for tribal TAS eligibility. Tribes must: 1) be recognized by the Secretary of the Interior; 2) have a functional tribal government responsible for the health, safety, and welfare of the tribal community; 3) be able to demonstrate that the regulatory functions to be performed in the public water systems are within the Indian tribal government's jurisdiction; and 4) be capable of administering an effective PWSS program consistent with the SDWA and all applicable regulations. See 40 C.F.R. § 142.72

How can my tribe apply for TAS?

Your tribe applies for TAS as part of the process of applying for a grant or for primacy. To apply for TAS, your tribe must meet the TAS eligibility requirements at 40 C.F.R. § 142.72 by providing the following information identified in 40 C.F.R. §.142.76: 1) a statement that the tribe is recognized by the Secretary of the Interior; 2) information about the tribal government; 3) proof of tribal authority; and 4) a description of administrative capabilities. The EPA Administrator may request further documentation necessary to support a tribe's eligibility for TAS.

More detailed information about the TAS application process and application materials can be found in the *Treatment in the Same Manner as a State (TAS) for the Public Water System Supervision (PWSS) Program Fact Sheet* (EPA 816-F-07-006).

What if my tribe has already met the requirements for TAS eligibility under the SDWA for the Underground Injection Control (UIC) Program, the Clean Water Act (CWA), or the Clean Air Act (CAA)?

If the EPA Administrator has previously determined that a tribe has met the requirements for TAS eligibility under the SDWA for the UIC Program, the CWA, or the CAA, then that tribe only needs to provide information unique to the PWSS program. More details can be found in the *Treatment in the Same Manner as a State (TAS) for the Public Water System Supervision (PWSS) Program Fact Sheet* (EPA 816-F-07-006) (See paragraphs 3, 4e and 4f under *TAS Application Materials*).

Where should my tribe send the application materials?

You will want to work closely with the EPA regional office as you are preparing your application. The EPA regional office can answer questions and provide guidance while you prepare your application. When completed, applications should be sent to the EPA regional office that currently implements and enforces the SDWA for your tribe. To find information about which EPA region works with your tribe, visit:

<http://www.epa.gov/indian/map.htm>

Where can I get more information about TAS?

The *Treatment in the Same Manner as a State (TAS) for the Public Water System Supervision (PWSS) Program Fact Sheet* (EPA 816-F-07-006) provides detailed information about the TAS application process and application materials. EPA's American Indian Environmental Office (AIEO) also has information on TAS as well as other laws, regulations, and guidance related to Indian country on their website:

<http://www.epa.gov/indian/>

| REGION | ADDRESS and Phone Number | REGION | ADDRESS and Phone Number |
|--|--|---|---|
| Region 1: NH, VT, ME, MA, RI, CT | EPA Region 1, (CDW) 1 Congress St., Suite 1100 Boston, MA 02114-2023 617-918-1590 | Region 7: NE, IA, KS, MO | EPA Region 7 Mail code: (WWPD/DRWM) 901 N. Fifth St. Kansas City, KS 66101 913-551-7410 |
| Region 2: NJ, NY, PR, VI | EPA Region 2 290 Broadway, 24th Floor New York, NY 10007-1866 212-637-3564 | Region 8: MT, ND, SD, WY, UT, CO | 1595 Wynkoop Street (8P-W-DW) Denver CO 80202-1129 303-312-6269 |
| Region 4: KY, TN, NC, SC, GA, AL, MS, FL | EPA Region 4 61 Forsyth St, SW Atlanta, GA 30303 404-562-9438 | Region 9: CA, NV, AZ | EPA Region 9 (WTR-6) 75 Hawthorne St San Francisco, CA 94105 415-947-8707 |
| Region 5: MN, WI, MI, IL, IN, OH | EPA Region 5 (WD-15J) 77 W. Jackson Blvd Chicago, IL 60604 312-353-2087 | Region 10: AK, WA, OR, ID | EPA Region 10 (OW-136) 1200 Sixth Avenue Seattle, WA 98101 206-553-4350 |
| Region 6: NM, TX, OK, AR, LA | EPA Region 6 (6WQ-SD) 1445 Ross Ave Dallas, TX 75202-2733 214-665-2297 | | (There are no federally recognized tribes in EPA Region 3) |